

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ARTHUR J.M. BATTLE, III.,  
Petitioner,  
v.  
DAVID HOLBROOK,  
Respondent.

No. 2:20-cv-1851-JAM-JDP (HC)

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 10, 2021, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed September 10, 2021, are **ADOPTED** in full;

3 2. Respondent's motion to dismiss, ECF No. 17, is **GRANTED**;

4 3. The petition is **DISMISSED** as untimely; and

5 4. The court **DECLINES** to issue the certificate of appealability referenced in 28 U.S.C.

6 § 2253.

7 Dated: November 22, 2021

8 /s/ John A. Mendez

9 THE HONORABLE JOHN A. MENDEZ  
10 UNITED STATES DISTRICT COURT JUDGE

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